

Town Board Minutes

**Meeting
No. 34**

Special Meeting

December 27, 1996

MEETINGS TO DATE 34
NO. OF REGULARS 24
NO. OF SPECIALS 10

LANCASTER, NEW YORK
DECEMBER 27, 1996

A Special Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 27th day of December 1996 at 4:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

PURPOSE OF MEETING:

The purpose of this meeting was to conduct year end business of the Town of Lancaster and for such other and further business as may normally come before the Town Board at a regular meeting thereof.

PERSONS ADDRESSING TOWN BOARD:

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matter:

The height, color and composition of the fencing at the Tops Distribution Center.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

1. Complimented Supervisor for responding to a recent letter he mailed to him.
2. Asked for an extension of a deadline given him to respond to proposed remedial drainage work on his property at 87 Stony Road. Verbal extension granted to January 21, 1997 by Board member.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on December 16, 1996 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, Bryan and Suzanne Sinclair, 578 Ransom Road, Lancaster, New York 14086, have applied for a Dumping Permit for property situated at 578 Ransom Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Bryan and Suzanne Sinclair, 578 Ransom Road, Lancaster, New York 14086, be and are hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicants at 578 Ransom Road, Lancaster, New York 14086, said dumping to be in strict conformance with the application of the petitioners as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Dumping to be limited to the southwest portion of the property to bring small depression up to grade.
2. All fill must consist of clean, hard fill. Demolition materials is not acceptable. No building permit will be issued for fill area without property compaction test.
3. Close monitoring of the site to prevent unauthorized dumping of non-permitted materials.
4. Roads must be cleaned on a daily basis and more often if necessary.
5. No fill to be placed in or along any natural drainage without approval from the Town Engineer and any other agency having jurisdiction.
6. Sides of driveway to have 3 on 1 slope, top soiled and seeded.
7. Dumping will be allowed between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. No dumping will be allowed on Sunday.
8. Crusher run to be placed on existing driveway to insure dry, safe bed for vehicles.
9. Berm to be placed along south property line with Austrian Pine or Arborvitae planted on berm.

and,

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK , TO WIT:

WHEREAS, R. G. Rechin, Inc., 1441 South Creek Road, Derby, New York
14047, the plumbing contractor for the Youth Bureau Project, has submitted Change Order No.
P-1 in the amount of (\$357.00) and Change Order No. P-2 in the amount of \$732.00 to the
Town Board for their approval, and

WHEREAS, the Town Engineer, by letter dated December 18, 1996, has
recommended such change orders,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves
Change Order No. P-1 and Change Order No. P-2 to R. G. Rechin, Inc. according to the
following descriptions of changes to the contract:

DESCRIPTION OF CHANGE ORDER:

Change Order No. P-1:

Provide a credit for all labor, materials, and equipment
necessary to complete required roof flashing and trim
due to penetrations through roof completed prior to roof
installation

Total Change Order No. P-1: Deduct \$(357.00)

Change Order No. P-2:

In addition to the original plumbing scope of work,
provide all necessary labor, materials and equipment
to relocate 2 1/2" sprinkler main behind wall.

Total Change Order No. P-2: Add 732.00

Original Contract Sum 56,300.00
Contract sum will be **decreased** Change Order No. P-1 (357.00)
Contract sum will be **increased** by Change Order No. P-2 732.00
New contract sum including these change orders will be 56,675.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute these change orders on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster adopted a resolution on September 7, 1993, pursuant to the enabling legislation in General Municipal Law §6 © establishing a Contingency and Tax Stabilization Reserve Fund, (CATSRF) , and

WHEREAS, funds were from year to year appropriated for this CATSRF and there now is a balance of approximately \$225,000.00 in this fund, and

WHEREAS, the terms and conditions governing the use of this fund are set forth in §6-c General Municipal Law as well as the resolution of the Town Board and upon the adoption of the 1997 Budget with a tax increase of greater than 5%, coupled with unanticipated revenue loss, the threshold criteria have been met to permit the Town Board use of the funds available in the CATSRF to apply to the 1997 General Fund Budget, and

WHEREAS, the Town Board of the Town of Lancaster after due review and consideration deems it in the public interest to use these available funds in the 1997 Budget Year;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to appropriate the balance in the CATSRF hereinabove mentioned for use in the General Fund Budget for the year 1997.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

File: rcatsrf

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER , WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

WHEREAS, the Town of Lancaster has established a volunteer Disaster
Response Team and appointed a coordinator for such response, and

WHEREAS, the volunteers for this team come from the various volunteer fire
companies who are under contract with the Town of Lancaster to provide fire protection to the
Town's Fire Protection District, and

WHEREAS, the Town Board desires to assure that such volunteers are covered
under Workers' Compensation and the Town's liability coverage while acting in this volunteer
capacity;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
that the Town of Lancaster shall recognize these members of the Disaster Response Team acting
in an extension of their role as volunteer firefighters and as such are providing services to the
Fire Protection District of the Town of Lancaster and are therefore deemed to be covered by the
Volunteer Fireman Workers Compensation coverage and the Town of Lancaster general liability
coverage, and

BE IT FURTHER

RESOLVED, that the activities which are included under this recognition of the
Disaster Response Team are as follows:

- (1) Transportation to and from headquarters or to and from site
designated as a disaster response site;
- (2) Transportation to and from any location other than before mentioned
which results from an official disaster response of the Town of Lancaster

- (3) Activities in moving equipment as a result of a disaster response, and
- (4) Activities on the scene of any official Town of Lancaster disaster response which are related to the said disaster response..

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

File: rdsastr

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, the Town must have an automated clearing house payment agreement in place with a bank in order to provide for electronic payments to or from third party receivers, and

WHEREAS, the Town Board desires to implement an automated clearing house payment procedure with M & T Bank on the terms and conditions as proposed by M & T Bank;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an Automated Clearing House Payments Agreement with M & T Bank as contained in the proposal submitted by M & T Bank to the Town.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

File: rm&tbk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

WHEREAS, Court Clerk Judith Kane, by letter dated December 19, 1996, has requested permission to carry over four (4) days of vacation time accrued which she cannot take by her anniversary date of January 1, 1997, due to reasons cited in her letter.

NOW, THEREFORE, BE IT

RESOLVED, that **JUDITH KANE**, a Court Clerk of the Town of Lancaster, shall be permitted to carry over her 1996 four days vacation time to her 1997 year of service with the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL
MEMBER STEMPNIAK , TO WIT:

WHEREAS, Donald Gallo, 589 Delaware Avenue, Buffalo, New York 14202,
the consulting engineer retained for the Handicapped Renovations for the Lancaster and Depew
branch Library Restrooms and the Tax Receiver's Office Project, has submitted Change Order
No. 1 to increase the fee for services under DG Job No. 011-135-4 (Resident Services During
Construction) from \$2,700.00 to \$4,771.36 to the Town Board for their approval, and

WHEREAS, the Town Engineer, by letter dated December 18, 1996, has recommended
such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change
Order No. 1 to Donald Gallo, Consulting Engineer, according to the following descriptions of
changes to the contract:

DESCRIPTION OF ENGINEERING CHANGE ORDER NO. 1:

- A. The agreement included 30 man hours of on-site inspection to monitor the construction.

The two (2) construction change orders on this project required additional manhours for
additional field layout, coordination, and on-site inspection.

Construction Change Order No. 1 for Contract 11A at the Depew Library was for
furnishing and installing a handicapped drinking fountain not contemplated by the
contract but requested by the Town during construction.

Construction Change Order No 1 for Contract 11B at the Tax Receiver's Office was for
wainscot modifications, additional carpeting, additional painting, additional shelf units,
additional drawers, additional cash drawer dividers and laminated counter dividers.
These construction changes were required to meet field conditions and/or were requested
by the Town to improve office efficiency/function.

Compensation for Engineering Change Order No. 1:

Additional manhours and expenses were required to coordinate and inspect the above
construction change order work.

This increases the fee for services under DG Job No. 011-135-4 (Resident Services
During Construction) from **\$2,700.00 To \$4,771.36.**

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute these
change orders on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER , TO WIT:

WHEREAS, Donald Gallo, 589 Delaware Avenue, Buffalo, New York 14202,
the consulting engineer retained for the Westwood Park, Phase 2 Project, has submitted Change
Order No. 1 to increase the fee for services under DG Job No. 011-146-4 (Resident Services
During Construction) from \$39,900.00 to \$55,000.00 to the Town Board for their approval, and

WHEREAS, the Town Engineer, by letter dated December 18, 1996, has recommended
such change order.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change
Order No. 1 to Donald Gallo, Consulting Engineer, according to the following descriptions of
changes to the contract:

DESCRIPTION OF ENGINEERING CHANGE ORDER NO. 1:

- A. The following extra services are beyond the scope of current agreement with Donald Gallo, Consulting Engineer, P.C.:
1. Assist the Parks & Recreation Department with the Nature Trail lay-out.
 2. Arrange for the design of entrance signs at Pavement and Schwartz Roads.
 3. Coordinate the pricing of entrance signs at Pavement and Schwartz Roads.
 4. Coordinate the installation of entrance signs at Pavement and Schwartz Roads.
 5. Design electrical timer system for the street lighting.
 6. Obtain price quotation for the timer system for the street lighting.
 7. Co-ordinate the installation of the timer system for the street lighting.
 8. Measured the route and set limits for the 5k Turkey Trot in November 1996.
 9. Coordinated the following modifications to the concession stand by the Little League:
 - a. Gas line extension.
 - b. Additional floor drains.
 - c. Door modifications
 10. Coordinate pavilion access for work by others beyond the contract.
 11. Coordinated with vendors and contractors for equipment selection and installation at the concession stand by the Little League.
 12. Assist Town in resolving alarm condition caused by others.
 13. Continued coordination with Utility Companies (Water, Gas, Power)
 14. Prepare large colored display boards for the Town's use.
 15. Coordinate with the Town and others on flag pole placement.
 16. Coordinate with, provide maps for and assist the Town in evaluating a memorial section in the park.
 17. Re-arrange various design elements to preserved this selected area for future use as a memorial section. Relocate large shelter including electrical service to same.
 18. Search files, provide copies of documents, etc. related to a labor dispute on one of the contracts.
 19. Assist the Town with park operational start up in 1997.

Compensation for Engineering Change Order No. 1:

The budgeted time of 570± manhours (plus expenses) is increased to 780± manhours (plus expenses) to provide these additional services.

This increases the fee for services under DG Job No. 011-146-4 (Resident Services During Construction) from **\$39,900. To \$55,000.**

and.

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute these change orders on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER ,WHO MOVED
ITS ADOPTION. SECONDED BY COUNCIL
MEMBER KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has duly advertised
for bids for furnishing to the Town of Lancaster the necessary trees for the 1997 Tree Planting
Program in accordance with specifications on file with the Town Clerk of the Town of
Lancaster. and

WHEREAS, said bids were duly opened on December 17, 1996, and

WHEREAS, CONCORD NURSERIES, INC., 10175 Mile Block Road,
North Collins, New York 14111 has submitted the lowest responsible bid in the amount of
\$32,479.10 for furnishing said trees to the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the bid of **CONCORD NURSERIES, INC.**, 10175 Mile
Block Road, North Collins, New York 14111, being the lowest responsible bid in conformance
with the specifications relating thereto, be and hereby is accepted, and

BE IT FURTHER

RESOLVED, that the Chairman of the Tree Planting Committee of the
Town Board of the Town of Lancaster be and is hereby authorized to place orders with Concord
Nurseries, Inc. for those trees which the Town of Lancaster needs for its 1997 Tree Planting
Program.

The question of the adoption of the following resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

FILE: RBOTREES (PS)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 11663 to Claim No. 11813 Inclusive

Total amount hereby authorized to be paid: **\$628,265.13**

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPIAK , TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

<u>No.</u>	<u>Code Applicant</u>	<u>Street Address</u>	<u>Structure</u>
3925	Twin District Fire Co	3 Brunck Rd	Dem. Barn
3926	Holy Mother of the Rosary	6298 Broadway	Er. Sign
3927	Parkhaven Bldrs	10 Village View	Er. Sin. Dwlg
3928	Betty Schafer	705 Schwartz Rd	Er. Storage Bldg
3929	Centennial Homes Inc	6 Katelyn Ln	Er. Sin. Dwlg
3930	Paul Anthony Design	4779 Transit Rd	Er. Sign
3931	Mr. Carl Hruby	10 Pine View Ln	Ext. Sin. Dwlg
3932	Samcoe RV Inc	5077 Transit Rd	Alt. Pole Barn
3933	Eddy & Lewin Homes	50 Bentley Cir	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that Building Permit No. 3916 applied for by Besroi Construction to erect a warehouse on premises situate on 5434 Genesee Street be and is hereby tabled for further study.

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

FILE: RBLDG.2 (P1-2)

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution.

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

WHEREAS, the Town Board has reviewed a proposed Lease from Sprint Spectrum, L.P. to place a communication tower on town-owned property, known as paper street "Hayes Street", Tax Map Identifier Number 115.09.2-30, and

WHEREAS, the Town Board has concluded that the siting of these towers should be preferentially on existing structures and failing that, then located on municipal owned property, and

WHEREAS, after due consideration the Town Board deems it in the public interest to enter into a Lease Agreement with Sprint Spectrum, L.P. as amended and approved by the Town Attorney by which the Town will gain significant consideration for town land which is presently unused and for which there is no planned use;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a Lease Agreement in form approved by the Town Attorney with Sprint Spectrum, L.P. for the Town-owned parcel known as the paper street "Hayes Street", Tax Map Identification Number 115.09-2-30.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

File: ralsprnt

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, it is necessary to make various transfers within the 1996 budget accounts of the Town of Lancaster at the close of Town business on December 31, 1996,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and hereby is authorized and directed to make such transfers to all over-expended accounts from available funds in the 1996 Budget, including unappropriated fund balances, upon the close of Town business on December 31, 1996.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 27, 1996

File: RACC'TRAN (P1)

Council Member Miller requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously advertised for bids for furnishing One (1) New 1997 Police 4-Wheel Drive Vehicle to the Police Department of the Town of Lancaster in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, said bids were opened on December 27th, 1996, and

WHEREAS, the Chief of Police of the Town of Lancaster has recommended the purchase of the beforementioned vehicle pursuant to said specifications;

NOW, THEREFORE, BE IT

RESOLVED, be it resolved that the bid of **Basil Ford, Inc., 1540 Walden Avenue, Cheektowaga, New York 14225** for One (1) New 1997 Police 4-Wheel Drive Vehicle pursuant to specifications on file in the Town Clerk's Office, at a cost of \$25,324.00 less trade-in allowance of \$5,200.00 on one (1) 1995 Ford 4SDS VIN 2FALP71W2SX175610, for a total net bid with trade in the amount of \$20,124.00, be and the same is hereby accepted and that an order for such vehicle is hereby authorized to be placed by the Chief of Police.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTGOMERY	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

December 27, 1996

File: rapolers

COMMUNICATIONS:

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- 908. Town Engineer and Building Inspector Town Board -
Recommend issuance of dumping permit for Bryan/Suzanne Sinclair.
DISPOSITION Received and Filed
- 909. Erie County Legislature Michael Ranzenhofer to Highway Supt. -
Request for traffic study re: amount and speed of traffic on Wehrle Dr. between
Transit and Harris Hill Roads per letter from Ms. Marion Turner of Elma Rd.
DISPOSITION Received and Filed
- 910. Town Attorney to Coregis Group -
Advisement re: Building Inspector and claim of Louis Tiburzi. DISPOSITION
Received and Filed
- 911. Town Attorney to Town Clerk -
Advisement re: cellular tower moratorium. DISPOSITION Received and Filed
- 912. Town Clerk to Town Board -
Notification of absence of \$500.00 review fee and application form re: Upstate
Cellular Network Tower site plan. DISPOSITION Received and Filed
- 913. Town Engineer to Town Board -
Recommend authorization of plumbing contract change orders for Youth Bureau.
DISPOSITION Received and Filed
- 914. Town Engineer to Town Board -
Recommend authorization of consultant's contract change order for Westwood
Park, Phase II. DISPOSITION Received and Filed
- 915. Town Engineer to Town Board -
Recommend authorization of consultant's contract change order for Handicapped
Renovations Libraries and Tax Receiver's Office. DISPOSITION Received and
Filed
- 916. Dorothy Joseph to Supervisor -
Concerns regarding Tops Distribution Center and comments made at board
meeting. DISPOSITION Received and Filed
- 917. Supervisor to Dorothy Joseph -
Response to letter of 12/17/96. DISPOSITION Received and Filed
- 918. United Way to Supervisor -
Letter of appreciation for participation in 1996 United Way campaign.
DISPOSITION Received and Filed
- 919. County Highway Dept to Marion C. Turner -
Response to correspondence addressing development and traffic flow on Wehrle
Dr. DISPOSITION Received and Filed
- 920. Good Earth Organics Corp. To Supervisor -
Notification of agreement expiration and willingness to extend agreement for 24
months. DISPOSITION Received and Filed
- 921. Deloitte & Touche LLP to Dir. Of Administration & Finance -
Submittal of missing 1994 single audit report. DISPOSITION Received and Filed
- 922. Supervisor to Depew Village Mayor -
Reply to letter requesting information re: taxes paid to Town by Depew Village
residents and services provided for same. DISPOSITION Received and Filed
- 923. Town Clerk to Zoning Board Members, Building Inspector and Town Attorney -
Transmittal of variance petitions for meeting to be held 1/09/97. DISPOSITION
Received and Filed
- 924. Judith Kane, Court Clerk, to Town Board -
Request carryover of 1996 vacation time to 1997. DISPOSITION Received and
Filed

925. CSEA White Collar Union Pres. to Town Board - Page 973
Consent of union to Judith Kane's request for vacation days carryover to 1997.
DISPOSITION Received and Filed

926. Building Inspector to Town Attorney -
Transmittal of performance bond re: Tops Distribution Center's completion of
detention pond by spring of 1997. DISPOSITION Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER, AND SECONDED BY THE
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 5:05 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk